

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION**

**April 21, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Informal Session at 10:00 a.m., April 21, 2008, in the Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, Chairman, District 3. Also present: Fran McCarroll, Clerk of the Board; Liz Evans, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**1. VECTOR CONTROL PROGRAM AND ACTIVITIES**

Item: Overview of the Vector Control Program's 2007 season and report its projected activities for 2008. (C8808006M00) (ADM2350)

Joy Rich, Assistant County Manager  
John Townsend, Vector Control Division Manager

Joy Rich informed the Board that Vector Control issues are expected to be especially prevalent this year due, not only to higher than normal rainfall, but an increase in the number of "green" pools as a result of the high foreclosure rate. She said that these factors have caused a backlog of green pool inspections, and the department has received approval to hire additional permanent staff to address the backlog.

Ms. Rich introduced John Townsend, the Division Manager of Vector Control. Mr. Townsend reviewed West Nile Virus activity over the last four years nationwide. He said that the bulk of the efforts to control the mosquito population consists of surveillance and applications of larvaecide. Supervisor Stapley asked whether neighboring counties had similar vector control programs. Mr. Townsend responded by saying that other counties have limited programs that do not include fogging.

Mr. Townsend explained that once a green pool has been identified, the pool is treated with live fish that will reproduce and eat the mosquito larvae. Supervisor Wilson asked for clarification regarding pools that Vector Control considers to be treated. Mr. Townsend explained that the treatment is the addition of fish to the pool, essentially creating a pond, but it is not to clean up or make the pool clear. Once treatment has been completed, two signs are left on the property, one on the front door and one on a gate or fence indicating that the pool has been treated to inhibit breeding mosquitoes even though it is aesthetically still a green pool. Supervisor Wilson asked whether Vector Control returns to a treated pool after the initial visit. Mr. Townsend replied that cases that are going to enforcement require a return visit before going to court. He said they also return if there has been a subsequent complaint from a neighbor.

Supervisor Wilson asked whether they have trouble accessing vacant properties. Mr. Townsend said that it can be difficult and sometimes requires them to obtain a search warrant if they are unable to get permission to enter the property from the owner. Ms. Wilcox requested that Mr. Townsend work with the County Attorney's office to determine whether there is a way to expedite the process to access a property on an emergency basis due to the potential mosquito problem and the large number of vacant properties in the valley.

Supervisor Brock commented that some other states must have more serious mosquito problems than Arizona, yet the data seems to indicate that Arizona is among the highest in reported cases of the West Nile Virus. Mr. Townsend explained that states utilize different reporting criteria, so cases of West Nile may be under-reported in some states and over-reported in others.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION**

**April 21, 2008**

Mr. Townsend reviewed a chart showing surveillance criteria and several maps showing traps, breeding sites and green pool data throughout the County. Supervisor Stapley asked whether all 68 positive cases of West Nile reported in 2007 had been in Maricopa County. Mr. Townsend confirmed that they had and that four had resulted in death. He said that the state reported a total of 81 positive cases for 2007. Mr. Townsend went on to review more specific data related to length of stay and charges for the diagnosed cases who were hospitalized.

Mr. Townsend illustrated highlights of the 2007 public information campaign called "Fight the Bite" and outlined plans for the 2008 campaign. He covered 2007 successes and concerns for 2008, including dramatic increases in green pool complaints due to foreclosures. Supervisor Brock suggested that the department reach out to other municipalities, the real estate association and neighborhood services groups for assistance.

**2. EXECUTIVE SESSION**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to recess and reconvene in Executive Session in the Tom Sullivan Conference Room to consider items listed on the Executive Agenda, pursuant to listed statutory authority, as follows.

**PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – A.R.S. §38-431.03(A)(4)**

**E-1. New Magma Irrigation and Drainage District v. Maricopa County et al, CV2008-051109**

Charles Hoskins, Treasurer  
Keith Russell, County Assessor  
Tim Boncoskey, Chief Deputy Assessor  
Kathleen Patterson, Deputy County Attorney  
Kevin Costello, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO NEGOTIATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION; PURCHASE, SALE OR LEASE OF REAL PROPERTY – A.R.S. §38-431.03(A)(3), (A)(4) and (A)(7)**

**E-2. Ralph Anderson & Associates**

Joy Rich, Assistant County Manager and Acting Director, Air Quality Department  
Steve Dahle, Materials Management  
Kevin Costello, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – A.R.S. §38-431.03(A)(3) AND (A)(4)**

**E-3. University Physicians Healthcare, Inc. (UPHI) v. Maricopa County, Cause No. C2007-1282**

Sandi Wilson, Deputy County Manager  
Logan Johnston, Outside Counsel  
Diana Alvarez, General Government  
Chris Bradley, Deputy Budget Director  
Bruce White, Deputy County Attorney

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION**  
**April 21, 2008**

**E-4. Keith Rossi V. Maricopa County (MCSO, CHS) – Notice of Claim**

Peter Crowley, Risk Manager  
Daniel Jantsch, Outside Counsel, **did not attend**  
Sharon Briggs, Office of Daniel Jantsch  
Laurence Tinsley, Jr., Deputy County Attorney  
Jack MacIntyre, Deputy Chief, Sheriff's Office  
Betty Adams, Sheriff's Office

**E-5. Donovan and Warren Bowman v. Maricopa County, Superior Court Case CV2006-009119**

Peter Crowley, Risk Manager  
Michele Iafrate, Outside Counsel  
Laurence Tinsley, Jr., Deputy County Attorney  
Jack MacIntyre, Deputy Chief, Sheriff's Office  
Betty Adams, Sheriff's Office  
Jean Bowman, Risk Management  
Trish Rough, Risk Management

**E-6. Nick Tarr v. Maricopa County, et al., U.S. District Court No. CV2004-0411-PHX-MEA**

Peter Crowley, Risk Manager  
David Hendershott, Chief Deputy, Sheriff's Office, **did not attend**  
Jack MacIntyre, Deputy Chief, Sheriff's Office  
Brian Kaven, Outside Counsel  
Laurence Tinsley, Jr., Deputy County Attorney  
Trish Rough, Risk Management

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – A.R.S. §38-431.03(A)(3) AND (A)(4)**

**E-7. Sardinias, et al, v. Maricopa County, CV2008-005307 (not yet served)**

Peter Crowley, Risk Manager  
Mary McKelvey, Risk Manager, Maricopa County Special Health Care District  
Maria Brandon, Deputy County Attorney  
Trish Rough, Risk Management  
Judy Perea, SHCD/MIHS

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS  
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – A.R.S. §38-431.03(A)(3) AND (A)(4)**

**E-8. Maricopa County v. Reliance Metalcenter**

Neil Yockey, Manager, Trip Reduction Program  
Brad Hartsock, Plan Review & Monitoring Supervisor, Trip Reduction Program  
Otis Smith, Deputy County Attorney

**LEGAL ADVICE; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE  
LITIGATION – A.R.S. §38-431.03(A)(3) AND (A)(4)**

**E-9. Claim of Schuff Steel Company**

Kenny Harris, Assistant County Manager  
Janet Palacino, Facilities Management Director  
Steve Blaylock, Program Project Manager, Facilities Management

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**INFORMAL SESSION**  
**April 21, 2008**

John Paulsen, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS  
CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – A.R.S. §38-431.03(A)(3) AND (A)(4)**

**E-10. Evergreen Hillcrest v. Mendez, Maricopa County, et al. CV2008-004591**

Gary Scott, Public Works Real Estate  
John Paulsen, Deputy County Attorney

**E-11. Semple, Marchal & Cooper, LLP (Certified Public Accountants)**

Annette Stein, Director, Human Services Department  
Roberto Pulver, Deputy County Attorney

Chris Keller left the meeting and Anne Longo entered the meeting as counsel to the Board for the following item (only).

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – A.R.S. §38-431.03(A)(3) AND (A)(4)**

**E-12. The New Times – Notice of Claim/Self-Insured Trust Issues**

James Brophy, III, Outside Counsel  
Peter Crowley, Risk Manager  
Anne Longo, Deputy County Attorney

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – A.R.S. §38-431.03(A)(3) and (A)(4)**

**E-13. Luke Air Force Base Aux – 1 restrictions - WITHDRAWN**

Joy Rich, Assistant County Manager  
Chuck Kelhoffer, Outside Counsel  
Terry Eckhardt, Deputy County Attorney  
Jean Rice, Deputy County Attorney

**MEETING ADJOURNED**

At the conclusion of discussion on the above items and there being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board